



Judicial Council of California
Court Interpreters Advisory Panel Meeting
Westin South Coast Plaza Hotel, Costa Mesa, California
June 26, 2004

Meeting Minutes

Panel Members Present

Hon. Eileen C. Moore, Chair
Hon. Dan Thomas Oki
Ms. Judy Arasé
Mr. Mark A. Arnold
Ms. Mary Majich Davis
Ms. Susan Eadie
Mr. José Octavio Guillén
Ms. Sue Mi Jones
Mr. Charles J. Légier
Mr. Melvin Toomer
Mr. Nestor O. Wagner
Ms. Michelle Watté
Mr. Richard C. Weatherby

Advisory Members Present

Mr. Gregory Drapac

Advisory Members Absent

Mr. Charles D. Brown

Panel Members Absent

Hon. Donal B. Donnelly
Hon. John M. Pacheco
Ms. Pauline Annarino
Ms. Hanh Chung
Mr. Lorenzo Hurtado
Mr. Hiram Torres
Mr. Michael A. Tozzi

Judicial Council Liaison

Hon. Jack Komar
Mr. Alan Slater

Administrative Office of the Courts

Executive Office

Mr. Ronald G. Overholt, Chief Deputy Director

Human Resources Division

Ms. Linda Ashcraft, Labor and Employee Relations
Unit, Manager

Court Interpreters Program Unit

Mr. Ricardo Beacon, Manager
Ms. Zoë Christopher
Mr. José Manuel Muñoz
Ms. Elizabeth Tam
Ms. Janette Zupnik

Others Present

Mr. Andrew Erikson
California Court Interpreters Association
(CCIA)
Dr. Alexander Rainof
Ms. Caroline Lee
Southern California Chinese Interpreters
Association (SCCIA)
Mr. Daniel Deng

Trial Court Presiding Judges Advisory Committee
Liaison Absent

Hon. Edward Forstenzer

I. Call to Order

Justice Eileen C. Moore called the meeting to order at 9:00 a.m., and all participants introduced themselves.

A. Assignments

Ms. Elizabeth Tam was named timekeeper and assignment keeper for the meeting.

B. Approval of the Previous Meeting's Minutes

Motion. A motion to approve the minutes of the last meeting of February 24, 2004, was made.

Second. The motion was seconded.

C. Mr. Ricardo Beacon, manager of the Administrative Office of the Courts (AOC) Court Interpreters Program Unit, introduced Ms. Zoë Christopher, who has taken the position of Regional Court Interpreter Coordinator.

II. Presentations From the Public

A. California Court Interpreters Association (CCIA)

Mr. Andrew Erikson, CCIA board member, read a message prepared by president Arturo Cásarez. He expressed his opposition to the reconfiguration of the Court Interpreters Advisory Panel (CIAP) and to the pilot telephonic interpreting project. He also expressed concern for the way in which the results of the 100-day limitation are being handled in Sacramento County.

B. National Association of Judiciary Interpreters and Translators (NAJIT)

Dr. Alexander Rainof, NAJIT board chair, addressed medical interpreting and translating and their forensic counterpart. Dr. Rainof suggested that the CIAP establish a subcommittee to deal specifically with medical interpreting issues such as the presentation of medical evidence in court.

C. Southern California Chinese Interpreters Association (SCCIA)

President Caroline Lee addressed concerns regarding currently registered Mandarin interpreters who intend to take the new Mandarin certification examinations. SCCIA requests that all registered Mandarin interpreters be exempt from taking the new certification examination and granted certified status. In addition, Ms. Lee distributed a list of suggested guidelines for future certification examinations.

D. Attorney Daniel Deng protested the new Mandarin certification requirements. He stated that testing will delay due process and deny defendants the right to a speedy trial, partially due to a shortage of

Mandarin interpreters. Mr. Deng also questioned whether the new testing process discriminates against Mandarin interpreters by forcing them to take two tests during their careers.

III. Amendment to Rule 6.51

The Judicial Council's Executive and Planning Committee proposed amendments to rule 6.51 of the California Rules of Court, and the Judicial Council approved the amendments on June 23, 2004. Pursuant to the amended rule, the CIAP will assist the council in performing its duties under Government Code section 68560 et seq. The panel will also assist with the language needs study, conducted every five years by the AOC. The CIAP membership will now consist of 11 members: 6 interpreters (4 court employees and 2 certified or registered independent contractors), 1 appellate court justice, 2 trial court judges, and 2 court administrators. The AOC will also recommend that one American Sign Language (ASL) interpreter be appointed to the panel, as well as possibly an attorney. The amendments will take effect October 1, 2004.

Mr. Ronald Overholt spoke about the numerous dramatic changes that have occurred in the court system over the last 20 years, including those resulting from the passage of Senate Bill 371. He noted that the amendments to rule 6.51 focus the CIAP's duties on policy issues as opposed to employment issues. He invited current members to nominate themselves or others for the reconfigured panel.

IV. 100-Day Limitation

Ms. Linda Ashcraft, manager of the AOC Human Resources Division Labor and Employee Relations Unit (LERU), reviewed the impact of SB 371 on the four regions in California.

- A. Region 4 will have limited interpreting services, particularly in Spanish, Russian, and Vietnamese, from August through November 2004. Court personnel anticipate being able to effectively address the shortage of interpreters by utilizing the cross-assignment process.
- B. Region 1 will have limited interpreting services in Japanese and Spanish, which will be addressed through the cross-assignment process.
- C. Region 2 will have limited interpreting services in Spanish and Vietnamese, and the close proximity of the region's 15 courts makes cross-assigning a feasible option.
- D. Region 3 will have limited interpreting services in Spanish and Vietnamese. The region is currently addressing this shortage through a telephone interpreting system and the cross-assignment process.

Ms. Ashcraft noted that LERU is in discussion with the union on transitional and personnel policy issues. Ms. Tam distributed the results of a 100-day limitation survey that was released to court executive officers in March 2004.

V. First Statewide Interpreters Conference

Ms. Janette Zupnik provided a brief overview of the AOC-sponsored interpreters conference, *One Voice: A Community of Interpreters*, which is scheduled for Saturday, September 18, 2004, at the Sheraton Universal Hotel in Universal City. Mr. Beacon added that the ethics workshop will be conducted on September 19, 2004, and that plans for new preparatory workshops for Armenian, Mandarin, and Russian test-takers are also under way.

VI. Interpreter Discipline Rule

Mr. Muñoz stated that the issue of due process requires additional examination by the Rules and Standards Subcommittee, and for that reason, the discipline rule will not go before the Judicial Council until this fall.

VII. Examinations, Testing Fees, and Language Survey

A. Ms. Zupnik reported that the first testing cycle for four of the newly certified languages (Eastern and Western Armenian, Mandarin, and Russian) is scheduled for September 2004. Interpreters currently registered in these languages will have a grace period of one year, or three testing cycles, to pass the new certification examination without disrupting their employment status or their ability to be assigned as independent contractors without a just cause determination. She also noted that the new Armenian test addresses both Eastern and Western branches of the language.

Ms. Zupnik clarified that certified Cantonese interpreters will be exempt from taking the written portion of the new Mandarin certification test, and that those interpreters who assisted with the development of the new tests will also be exempt from taking them.

B. The language survey that is conducted by the AOC every five years, reflecting the language needs of the courts, is used to determine which languages become certified. Based on the results of the last survey, Cooperative Personnel Services (CPS) is also currently developing tests for Khmer and Punjabi, to be administered in 2005. Next year, a new language survey will be conducted.

VIII. Job Aid and Bench Handbook

Ms. Tam continues to collect comments and suggestions for the revision of the bench handbook and the job aid that will address the proper use of interpreters in the courtroom. She recommended scheduling a teleconference next month to discuss the details and to finalize the suggestions that will ultimately be made to the Center for Judicial Education and Research (CJER), regarding the revisions.

IX. General Updates

A. Ethics Manual

Ms. Tam reported on the Ethics Manual in the absence of Ms. Berta Bejarano. Ms. Tam stated that on June 14, 2004, Ms. Judy Arasé, Ms. Bejarano, Mr. Charles Brown, Mr. Greg Drapac, and Mr. Muñoz participated in a teleconference to discuss in detail the revised third edition of the Ethics Manual. All present agreed on the new incorporations and omissions. In early July, Ms. Bejarano will make the suggested revisions and will submit the manual to the Education and Testing Subcommittee for final review. The next step will be to submit the manual to the AOC Office of the General Counsel (OGC) for review.

B. Training Videos

Following the CIAP's recommendation, the Court Interpreters Program (CIP) Unit purchased four videos to train court personnel how to work more effectively with spoken language and ASL interpreters. Staff recommends purchasing two additional videos. After the best videos have been selected, they will be distributed to human resources personnel at the courts, so that all court staff, including judges, may view them.

C. Preparation Workshops for Newly Certified Languages

Ms. Zupnik reiterated that there will be preparation workshops this fall to address the Mandarin, Russian, and Eastern and Western Armenian certification tests.

X. Human Resources Strategies Subcommittee

Mr. Drapac reported that the subcommittee has not met and has nothing to report.

XI. Education and Testing Subcommittee

Mr. Richard Weatherby reported that the subcommittee has participated in both in-person and telephone conversations regarding the testing process. He stated that every month the subcommittee receives 8–17 applications for Court Interpreters Minimum Continuing Education (CIMCE).

Action. Ms. Zupnik stated that an amendment to the CIMCE application form will read, “This activity is intended for (specific language) language interpreters.”

XII. Rules and Standards Subcommittee

Judge Dan Thomas Oki reported that a majority of the recommendations made to the Judicial Council's Rules and Projects Committee (RUPRO) by the subcommittee regarding the discipline rule have been approved. He stated that Ms. Tam has received the subcommittee's suggestions on the bench handbook revisions.

XIII. Closing

The meeting was continued at lunch, during which Justice Moore presented the CIAP members with certificates of appreciation for their years of dedication and commitment to the Court Interpreters Program. The meeting was adjourned at 12:45 p.m.